

1 KAMALA D. HARRIS
Attorney General of California
2 ALFREDO TERRAZAS
Senior Assistant Attorney General
3 LINDA K. SCHNEIDER
Supervising Deputy Attorney General
4 State Bar No. 101336
110 West "A" Street, Suite 1100
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 645-3037
7 Facsimile: (619) 645-2061
Attorneys for Complainant

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9 **BEFORE THE**
10 **BOARD OF REGISTERED NURSING**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
12 **STATE OF CALIFORNIA**

13 In the Matter of the Accusation Against:

Case No. **2011-633**

14 **NANIE SORIANO DE LA CRUZ**
15 **10203 Winecreek Court**
16 **San Diego, CA 92127**

A C C U S A T I O N

17 **Registered Nurse License No. 337275**

Respondent.

18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
21 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
22 Consumer Affairs.

23 2. On or about September 30, 1981, the Board of Registered Nursing issued Registered
24 Nurse License Number 337275 to Nanie Soriano De La Cruz, also known as Nanie Sison Soriano
25 (Respondent). The Registered Nurse License was in full force and effect at all times relevant to
26 the charges brought herein and will expire on August 31, 2011, unless renewed.

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JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

4. Section 2750 of the Code provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811, subdivision (b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.

STATUTORY PROVISIONS

6. Section 490 of the Code provides, in pertinent part, that a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

7. Section 493 of the Code states:

Notwithstanding any other provision of law, in a proceeding conducted by a board within the department pursuant to law to deny an application for a license or to suspend or revoke a license or otherwise take disciplinary action against a person who holds a license, upon the ground that the applicant or the licensee has been convicted of a crime substantially related to the qualifications, functions, and duties of the licensee in question, the record of conviction of the crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact, and the board may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline or to determine if the conviction is substantially related to the qualifications, functions, and duties of the licensee in question.

As used in this section, "license" includes "certificate," "permit," "authority," and "registration."

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The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

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9. California Code of Regulations, title 16, section 1444, states:

(a) Assaultive or abusive conduct including, but not limited to, those violations listed in subdivision (d) of Penal Code Section 11160.

(b) Failure to comply with any mandatory reporting requirements.

(c) Theft, dishonesty, fraud, or deceit.

(d) Any conviction or act subject to an order of registration pursuant to Section 290 of the Penal Code.

10. California Code of Regulations, title 16, section 1445 states:

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(b) When considering the suspension or revocation of a license on the grounds that a registered nurse has been convicted of a crime, the board, in evaluating the rehabilitation of such person and his/her eligibility for a license will consider the following criteria:

(1) Nature and severity of the act(s) or offense(s).

(2) Total criminal record.

(3) The time that has elapsed since commission of the act(s) or offense(s).

1 (4) Whether the licensee has complied with any terms of parole, probation,
2 restitution or any other sanctions lawfully imposed against the licensee.

3 (5) If applicable, evidence of expungement proceedings pursuant to Section
4 1203.4 of the Penal Code.

5 (6) Evidence, if any, of rehabilitation submitted by the licensee.

6 COSTS

7 11. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
8 administrative law judge to direct a licentiate found to have committed a violation or violations of
9 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
10 enforcement of the case.

11 CAUSE FOR DISCIPLINE

12 (April 16, 2010 Criminal Conviction for Deceitful Practices)

13 12. Respondent has subjected her registered nurse license to disciplinary action under
14 sections 490 and 2761, subdivision (f) of the Code in that Respondent was convicted of a crime
15 substantially related to the qualifications, functions, and duties of a registered nurse. The
16 circumstances are as follows:

17 a. On or about April 16, 2010, in a criminal proceeding entitled *People of the*
18 *State of California v. Nanie Soriano Delacruz, et al.*, in San Diego Superior Court, case number
19 SCD208823, Respondent was convicted on her negotiated plea of guilty of violating Civil Code
20 section 2945.4, mortgage foreclosure consultants – deceitful practices, a misdemeanor pursuant to
21 Penal Code section 17, subdivision (b).

22 b. As a result of the conviction, on or about April 16, 2010, Respondent was
23 sentenced to three years summary probation, and required to pay \$300 in fees and fines, plus
24 restitution to the victims in the amount of \$15,500. Respondent was further required to surrender
25 her real estate license.

26 c. The facts that led to the conviction are that during 2008 in San Diego County,
27 Respondent took part in a large scale conspiracy with multiple codefendants that resulted in the
28 defrauding of homeowners in various schemes involving deceitful and unlawful practices related
to mortgage escrow transactions.


PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 337275, issued to Nanie Soriano De La Cruz, also known as Nanie Sison Soriano;
2. Ordering Nanie Soriano De La Cruz to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
3. Taking such other and further action as deemed necessary and proper.

DATED: _____

1/13/11

for 

LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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